



3672

PATENT
Attorney Docket No.: 2002-IP-006435

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: James D. Vick, Jr.

Serial No.: 10/078,839

Filed: February 19, 2002

Entitled: DEEP SET SAFETY VALVE

Group Art Unit: 3672

Examiner: J. Dougherty

#980000
E. J. J. J.
9/10/03

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GROUP 3600

**RESPONSE TO REQUIREMENT FOR RESTRICTION
AND REQUIREMENT FOR ELECTION OF SPECIES**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the August 22, 2003 Office Action containing requirements for restriction and for election of species in the above-identified patent application, the requirements are respectfully traversed. The examiner has alleged that claim Groups I and II are distinct and have acquired a separate status in the art because of their recognized divergent subject matter. However, the examiner has also listed many claims as belonging to both groups. How can claim 1 in Group I define a distinct subcombination invention which is separately usable from a subcombination invention defined by claim 1 in Group II?

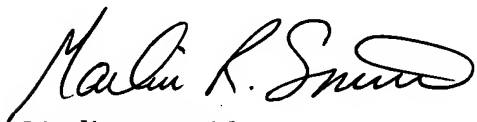
Perhaps the examiner meant to allege that Groups I and II contain linking claims which, if allowed, will cause withdrawal of the requirement for restriction. MPEP §809.03 states that the examiner is to specify which claims are considered to be linking,

where linking claims exist. The August 22, 2003 Office Action contains no such specification of the linking claims.

Pending consideration of the above traversal, the applicant hereby provisionally elects, with traverse, the Group I claims 1-36, 38-45, 52-105, 108, 109, 119, 121, 124-127, 131, 132, 147, 149-190, 192-194, 205-207, 218-220, 230-244 and 255-274 for continued prosecution in the application, and acknowledges the temporary withdrawal from consideration of those of the Group II claims 1-10, 12-16, 30, 31, 37-95, 98-101, 106-118, 120-124, 128-147, 149, 153, 164, 166, 177, 179, 190-229, 231, 242 and 244-256 which are not included in the Group I.

Pending consideration of the above traversals, the applicant further provisionally elects, with traverse, the alleged safety valve species (claims 1-20, 22, 23, 57, 76-105, 119, 121, 124, 125, 147-151, 156, 157, 169, 170, 182, 183, 234, 235, 247, 248 and 256-274) of the Group I invention, along with the alleged generic claims 21, 30-36, 38-45, 52-56, 60-75, 108, 109, 152-155, 164-168, 177-181, 190, 192-194, 205-207, 218-220, 230-233, 242-246 and 255.

Respectfully submitted,
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Dated: *Aug. 26, 2003*

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,

on August 26, 2003
Charity Fair